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April 7, 2008

*Via Facsimile (212.805.6382)*

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**Hon. Victor Marrero**  
**United States District Judge**  
**Daniel Patrick Moynihan**  
**United States Courthouse**  
**500 Pearl Street, Room 660**  
**New York, NY 10007**

**Re: Ganu et al. v. Metropolitan College of New York, et al.**  
**Civ. No. : 07-09899 (VM)**  
**Our File No. : 10895.00002**

Dear Judge Marrero:

As you may recall, we represent the defendants in the above-referenced matter. We write to request an adjournment of the initial case management conference currently scheduled for April 11, 2008. Although, on March 11, this Court granted plaintiffs' application for leave to amend the complaint to add an additional party and a new cause of action, that pleading has still not been served. Nonetheless, plaintiffs' counsel has refused an adjournment.

Given the substantive requirements for the Initial Case Management Conference, including the joint submission by counsel required five days beforehand, we did contact plaintiff's counsel on March 28 and were subsequently advised by e-mail on Sunday, March 30, that he would not consent despite the fact that the amended complaint had yet to be served.

In light of the foregoing, defendants, therefore, respectfully request that the Court set a date certain by which plaintiffs must file and serve their amended complaint and that the initial case management conference be scheduled "within 45 days after the filing of the complaint," as per your Honor's Individual Rules, Rule IV (A).

Please also note that, pursuant to your Honor's Rules, this adjournment request is being submitted not less than two business days before the scheduled initial management conference date of April 11, 2008. This is also the first request to adjourn the initial management conference. Plaintiffs' counsel does not consent to the adjournment request, as per his email correspondence of March 30, 2008, because, in his view, "The Amended Complaint will not change discovery in

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any significant or material way; Ruth Lugo will still be the subject of discovery and will still be deposed, whether or not she is named in her individual capacity. Similarly, Mr. Patterson's FMLA claim would not significantly alter any discovery plan put in place by the Judge." This office, however, does not, at this time, represent Ruth Lugo.


We thank the Court for its attention to this matter. Of course, should there be any questions or concerns, please do not hesitate to contact me or my associate Susan K. Slim.

Respectfully Submitted,

WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP

  
David S. Sheiffer

cc: Walker G. Harmon, Jr. (by facsimile only)

Request DENIED. The concerns set forth above by defendants may be addressed at the 4-11-08 conference. At that time a firm schedule for service of the amended complaint and its effect on the case management plan may be determined.	
SO ORDERED:	
4-7-08	
DATE	VICTOR MARRERO, U.S.D.J.